

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S.S.N. 10/754,456
Attorney Docket No. 13139-0104 (13721.105006)

REMARKS

After entry of the amendments, Claims 1-4, 7, 13-18, and 22-36 are pending. Claims 1, 32 and 34 have been amended. Claims 37-42 have been added. Claims 5, 6, 8-12, and 19-21 have been canceled.

No new matter has been added as a result of these amendments.

Claim Objections

Claim 32 is objected to for failing to indent each recited element of the immunity linker molecule. Claim 32 has been amended to provide the requested indentations and withdrawal of this rejection is respectfully requested.

Claim Rejection under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 34 under 35 U.S.C. §112, second paragraph, for being indefinite. Applicant respectfully traverses the rejection as it applies to amended Claim 34.

Claim 34 has been amended for clarity without prejudice to facilitate prosecution. Claim 34 now recites that the antibody is directed to an alpha galactosyl epitope. Withdrawal of this rejection is respectfully requested.

Claim Rejection under 35 U.S.C. §112, first paragraph

The Examiner has rejected Claims 34 under 35 U.S.C. §112, first paragraph, for lacking written description. Applicant respectfully traverses the rejection as it applies to amended Claim 34.

Claim 34 has been amended for clarity without prejudice to facilitate prosecution. Claim 34 now recites that the antibody is directed to an alpha galactosyl epitope. Withdrawal of this rejection is respectfully requested.

Double Patenting

The Examiner has provisionally rejected Claims 32 and 33 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 8-13 of co-pending U.S.

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Patent Application No. 11/606,564 (hereinafter '564). Applicant requests deferral of this rejection until such time that common subject matter is found allowable in both applications and then will file an appropriate terminal disclaimer if needed.

Request for Claim Rejoinder

Applicant respectfully requests rejoinder of claims 1-4, 7, 13-18 and 22-31 directed to methods of using the composition of claim 32. Claim 1 has been amended to provide proper indentation of claim elements and to ensure that all elements of claim 32 are present in independent claim 1. In the event that composition claims are found allowable, Applicant respectfully requests that methods of using the allowed composition be rejoined since presumably they would be free of any prior art as well.

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CONCLUSION

Applicant submits the foregoing as a full and complete response to the Office Action mailed on July 30, 2008. Applicant respectfully submits that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes there are other issues that may be resolved by telephone interview, or that there are any informalities remaining in the application that may be corrected by Examiner's Amendment, a telephone call to the undersigned is respectfully requested.

No additional fees are believed to be due in connection with this response. However, should the Commissioner determine otherwise, the Applicant hereby authorizes the Commissioner to charge such fees and credit any overpayment to Deposit Account No. 11-0980.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Stephen C. MacDonald, Ph.D.
Reg. No. 60,401

KING & SPALDING LLP
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309-3521
Phone: (404) 572-2715
Fax: (404) 572-5135

Date: August 5, 2008